Datatreasury Corporation v. Wells Fargo & Company et al Doc. 659

IN THE UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION

DATATREASURY CORPORTION	§	
Plaintiff/Counter-Defendant	§	
	§	
vs.	§	No. 2:06cv72 (DF)
	§	Jury Trial Demanded
WELLS FARGO & COMPANY;	§	
WELLS FARGO BANK, NATIONAL	§	
ASSOCIATION	§	
Defendants/Counter-Plaintiff	§	

DATATREASURY'S ANSWER TO UBS AMERICAS, INC.'S FIRST AMENDED COUNTERCLAIM

Plaintiff/Counter-Defendant DataTreasury Corporation hereby files its Answer to UBS Americas, Inc.'s (UBSAI) First Amended Counterclaims to Plaintiff's First Amended Complaint for Patent Infringement and in support thereof, states as follows:

PARTIES

1. Plaintiff/Counter-Defendant admits the allegations in paragraphs 99 thru 100 of UBSAI's First Amended Counterclaim.

JURISDICTION AND VENUE

2. Plaintiff/Counter-Defendant admits the allegations contained in paragraphs 101 through 102 of UBSAI's First Amended Counterclaim.

COUNT ONE – DECLARATORY RELIEF REGARDING NON-INFRINGEMENT

3. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 103 of UBSAI's First Amended Counterclaim.

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4. Plaintiff/Counter-Defendant denies that UBSAI is entitled to a Declaratory Judgment of Non-Infringement, as alleged in paragraph 104 of the first counterclaim of UBSAI's First Amended Counterclaim.

COUNT TWO – DECLARATORY RELIEF REGARDING INVALIDITY

5. Plaintiff/Counter-Defendant admits the allegations contained in paragraph 105 of UBSAI's First Amended Counterclaim.

6. Plaintiff/Counter-Defendant denies that UBSAI is entitled to a Declaratory Judgment of Invalidity, as alleged in paragraph 106 of the second counterclaim of UBSAI's First Amended Counterclaim.

EXCEPTIONAL CASE

7. Plaintiff/Counter-Defendant denies that UBSAI is entitled to recover attorney's fees under 35 U.S.C. §285 as alleged in paragraph 107 of UBSAI's Counterclaim.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff/Counter-Defendant prays for judgment against Defendants/Counter-Plaintiffs as follows:

A. For judgment dismissing the counterclaims with prejudice;

B. For a declaration that this is an exceptional case, and an award to Plaintiff/Counter-Defendant of its costs and attorneys' fees incurred herein;

C. An award of the costs of this action; and

D. That Plaintiff/Counter-Defendant be awarded such other and further relief as the Court may deem just and proper, including all relief requested in Plaintiff's Complaint.

Respectfully submitted,

_____________/S/_______________________

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ATTORNEYS FOR PLAINTIFF/COUNTER-DEFENDANT,DATATREASURY CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the above and foregoing document has been served on all counsel of record, via CM/ECF, on the 17th day of April, 2007.

___________/S/_______________________
Edward Lewis von Hohn